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5 UNITED STATES DISTRICT COURT  
6 EASTERN DISTRICT OF WASHINGTON

7 LARRY GENE HEGGEM,

8 Plaintiff,

9 v.

10 DR. RICHARD OLIVER, DR. JOHN  
11 SMITH, SUPERINTENDENT  
12 DONALD HOLBROOK, STEVEN  
HAMMEND and JOHN and JANE  
DOES,

13 Defendants.  
14

NO: 4:17-CV-5049-TOR

ORDER DENYING LEAVE TO  
PROCEED *IN FORMA PAUPERIS*  
AND DISMISSING ACTION FOR  
FAILURE TO PAY FILING FEE

15 By Order filed June 30, 2017, the Court directed Plaintiff, a *pro se* prisoner at  
16 the Monroe Correctional Complex, to show cause why his application to proceed *in*  
17 *forma pauperis* should not be denied under 28 U.S.C. § 1915(g). In the alternative,  
18 Plaintiff was granted the opportunity to pay the \$400.00 fee (\$350.00 filing fee, plus  
19 \$50.00 administrative fee), to commence this action. Plaintiff has filed nothing  
20 further.

ORDER DENYING LEAVE TO PROCEED *IN FORMA PAUPERIS* AND  
DISMISSING ACTION FOR FAILURE TO PAY FILING FEE ~ 1

1 Plaintiff did not refute the Court's finding that he is precluded from  
2 proceeding without prepayment of the filing fee under 28 U.S.C. § 1915(g), or that  
3 he failed to present any facts to excuse the preclusive effects of this statutory  
4 provision. *See Andrews v. Cervantes*, 493 F.3d 1047, 1055-56 (9th Cir. 2007)  
5 (discussing imminent danger exception to three-strikes rule).

6 Therefore, **IT IS HEREBY ORDERED:**


7 1. Plaintiff's application to proceed *in forma pauperis* is **DENIED**.

8 2. This action is **DISMISSED** for failure to pay the filing fee as required by  
9 28 U.S.C. § 1914.

10 **IT IS SO ORDERED.** The Clerk of Court is directed to enter this Order,  
11 enter judgment, forward a copy to Plaintiff and close the file. The Court certifies  
12 any appeal of this dismissal would not be taken in good faith.

13 **DATED** August 22, 2017.



  
THOMAS O. RICE  
Chief United States District Judge